

**REMARKS/ARGUMENTS**

In the Office action dated February 24, 2004, the Examiner (1) objected to claims 1, 4, and 5 as lacking antecedent basis for certain terms used in the claims; (2) rejected claim 5 under 35 U.S.C. § 112, 2d paragraph; (3) objected to claims 9-20 as being substantial duplicates of claims 1-8; and (4) rejected claims 1, 9 and 15 under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 6,643,563 B2 to Kanaya in view of U. S. Patent No. 6,645,807 B2 to Tsuzumitani *et al.* Claims 2-4 and 6-8 were objected to as being dependent upon a rejected base claim. Claim 5 was indicated as being allowable once the 35 U.S.C. § 112, 2d paragraph rejection was overcome.

In the Specification, No Changes.

In the Claims, claims 1, 5, 9-11, 15-17 and 20 have been amended. Claims 4, 12 and 19 have been cancelled.

The objected to claims have been amended to overcome the objections for lack of antecedent basis, and claim 5 has been amended to overcome the 35 U.S.C. § 112, 2d paragraph rejection.

Claim 1 has been amended to incorporate the limitations of allowable claim 4, and is now allowable over the applied prior art.

With respect to the double patenting objection, claim 9 requires that the plasma space etching step precede the annealing step, while claim 15 requires that the annealing step precede the plasma space etching step. These elements, as presented in original claims 2 and 3 were indicated as allowable. The foregoing notwithstanding, claims 9 and 15 have been amended to incorporate limitations of other claim elements indicated as being allowable, and these claims

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are now believed to be allowable over the prior art of record and the double patenting rejection.

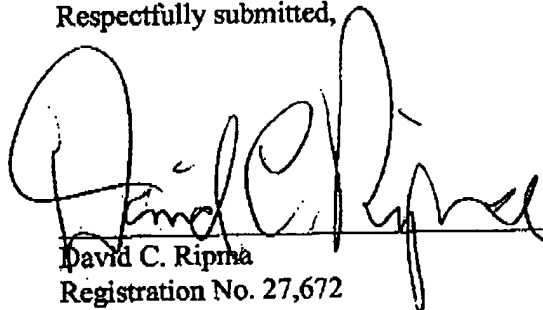
In light of the foregoing amendment and remarks, the Examiner is respectfully requested to reconsider the rejections and objections stated in the Office action, and pass the application to allowance. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact the undersigned.

**Provisional Request for Extension of time in Which to Respond**

Should this response be deemed to be untimely, Applicants hereby request an extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 19-1457.

Respectfully submitted,

Date: 4/22/04

  
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